

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN JOSE DIVISION**

RESOL GROUP LLC,  
 Plaintiff,

v.

SIDNEY T. SCARLETT, et al.,  
 Defendants.

Case No. [15-cv-05212-BLF](#)

**ORDER DISSOLVING ORDER TO  
 SHOW CAUSE**

On November 17, 2015, the Court ordered Defendant Sidney Scarlett to show cause why sanctions should not be imposed for removing state court action case number 114-CV-267656 for the fourth time. ECF 6. On December 15, 2015, Defendant Scarlett filed a motion seeking an extension of time to respond to the order to show cause. ECF 19. In his motion, Defendant Scarlett indicated that he had not been served with this Court's order in case number 15-cv-03245 which remanded his third removal attempt of the state court action. *Id.* at 2. That order put Defendant Scarlett on notice that any further attempts to remove the state court action may result in sanctions, including the institution of a pre-filing order. *See* Aug 31 Order at 3, *Resol Grp. LLC v. Scarlett*, No. 15-CV-03245-BLF, ECF 28 (N.D. Cal. Aug. 31, 2015).

After reviewing the Court's files, it appears that the Aug 31 Order was mailed to Defendant Scarlett but returned as undeliverable.<sup>1</sup> Since the Court does not have a record of Defendant Scarlett having received the Aug 31 Order, the Court DISSOLVES the order to show


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<sup>1</sup> The Court notes that the July 20, 2015 order from case number 15-cv-03245 was also returned as undeliverable but Defendant Scarlett appears to have received it based on his subsequent filings responding to that order and his attachment of that order to his Notice of Order of Complete Case Record at ECF 9.

1 cause and Defendant Scarlett is not required to respond in writing to the order to show cause or  
2 appear at a hearing.<sup>2</sup> Defendant Scarlett is now on notice that that any further attempts to remove  
3 Case No. 114-CV-267656 may result in sanctions, including the institution of a pre-filing order.  
4 *Bridgewater v. Hayes Valley Ltd. Partnership*, No. 10-03022 CW, 2011 WL 635268 at \*4 (N.D.  
5 Cal., Feb. 11, 2011); *see generally Molski v. Evergreen Dynasty Corp.*, 500 F.3d 1047 (9th Cir.  
6 2007).

7 **IT IS SO ORDERED.**

8 Dated: December 16, 2015

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10 BETH LABSON FREEMAN  
11 United States District Judge  
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28 <sup>2</sup> Defendant's motion to enlarge time to respond to the order to show cause is DENIED AS MOOT.